

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D.C.

ORDER NO. 2637

IN THE MATTER OF:

Served December 11, 1984

Application of JAMES M. SMITH,       )  
INC., for Special Authorization to    )  
Conduct Charter Operations Pursuant)  
to Contract with National            )  
Institutes of Health                )

Case No. CP-84-12

By application filed December 7, 1984, James M. Smith, Inc., of Lithonia, Ga., seeks authorization to conduct charter operations pursuant to WMATC Special Certificate of Public Convenience and Necessity No. 1 under contract with the National Institutes of Health (NIH) transporting passengers travelling on official government business, over irregular routes, between NIH and the National Naval Medical Center, Bethesda, Md., on the one hand, and, on the other, points in that part of the Metropolitan District within 36 miles of Bethesda, Md.

The contract term is calendar year 1985 with options exercisable by NIH to extend the contract through December 31, 1987. Persons to be transported include patients, outpatients, and their parents or guardians. The services required include transportation to and from various hotels, and patient's homes or schools. 1/ Three 11-passenger vans are required, and each must be radio equipped.

Applicant's balance sheet, dated October 31, 1984, shows current assets of \$32,937, total assets of \$211,280, current liabilities of \$61,613 and stockholders' equity of \$85,118. Smith's operating statement for the 10-month period ending October 31, 1984, shows operating revenues of \$724,218, operating expenses of \$649,745, and net income of \$62,690 after interest expenses and without provision for income taxes. During the first year of the contract, Smith anticipates service for NIH will generate \$71,000 in revenues.

Applicant's equipment list includes two 15-passenger vans of 1982 and 1976 vintages and a 1977 9-passenger van. Accordingly, it

---

1/ One of the recreational facilities mentioned is the inner harbor area of Baltimore, Md. That point, of course, is outside the Metropolitan District and will not be further considered herein.

appears that only two of these vehicles meet the size criteria of the contract. Thus, it is incumbent upon Smith, within 10 days from the date of service of this Order, either to acquire another vehicle or to show that NIH will accept a 9-passenger vehicle irrespective of the terms of the contract. An acceptable certificate of insurance, effective through December 1, 1985, is on file. Smith certifies that it is familiar, and will comply, with the terms of the Compact and the Commission's rules, regulations and requirements. Applicant has not been found to be unfit nor is its fitness under investigation by pertinent federal or signatory agencies.

Ann S. Bryant, a contracting officer for NIH, submitted an affidavit in support of the application. She states that NIH is an agency of the U.S. Department of Health and Human Services, and that the persons to be transported (other than parents or guardians) are participants in ongoing research programs at NIH. Smith was the contractor providing transportation services from October 1, 1982, through September 30, 1983, and Beltway Limousine Service, Inc., has provided service since the latter date. Ms. Bryant estimates that approximately 7,720 people will be transported during calendar year 1985. NIH has investigated Smith's qualifications and is satisfied therewith.

Inasmuch as a contract has been executed for the transportation of persons travelling on official government business pursuant to a contract with a government agency between points within the Metropolitan District for a period in excess of 181 days, the application appears amenable to processing under Commission Regulation No. 70. 2/ Consequently, notice of this application must be published and opportunity given for the filing of protests. Protests, if any, must be written, sworn and notarized, and must contain all evidence and argument upon which the protestant would rely.

THEREFORE, IT IS ORDERED:

1. That James M. Smith, Inc., publish once in a newspaper of general circulation in the Metropolitan District notice of this application in the form prescribed by the staff of the Commission no later than Thursday, December 13, 1984.

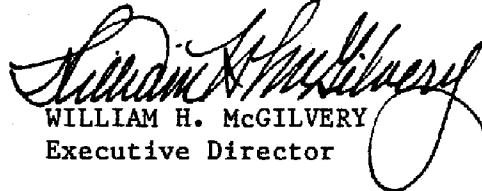
2. That applicant shall file an affidavit of such publication with the Commission no later than Wednesday, December 19, 1984.

---

2/ See Order No. 2004, served June 20, 1979.

3. That any person desiring to protest this application shall file a notarized protest in conformance with Commission Regulation No. 70-06 at the office of the Commission, Suite 316, 1625 I Street, N.W., Washington, D.C. 20006, no later than Monday, December 24, 1984, and shall simultaneously serve a copy of such protest on counsel for applicant, Leo S. Fisher, Esquire, 1025 Thomas Jefferson Street, N.W., Suite 801, Washington, D.C. 20007.

FOR THE COMMISSION:



WILLIAM H. MCGILVERY  
Executive Director